

EXHIBIT "O"

PART *IAS*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX:

Case Disposed ☒
Settle Order ☐
Schedule Appearance ☐

Countrywide Home Loan Inc

Index No. *15633/00*

-against-

Hon. *Betty Owen Stinson*

Debrah Keys et al

Justice.

The following papers numbered 1 to *10* Read on this motion, *vacate judgment*
Noticed on *9-8-04* and duly submitted as No. *1* on the Motion Calendar of *10-18-07*

		PAPERS NUMBERED
Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	<div style="text-align: center;"> FILED DEC 15 2004 BRONX COUNTY CLERK'S OFFICE </div>	<i>1-3</i>
Answering Affidavit and Exhibits		<i>4-5</i>
Replying Affidavit and Exhibits		<i>6-7</i>
<i>Sum. Reply</i> Affidavits and Exhibits		<i>8-9</i>
Pleadings - Exhibit		
Stipulation(s) - Referee's Report - Minutes		
Filed Papers	<i>letter to letter preliminary letter to</i>	<i>10</i>
Memoranda of Law		<i>✓</i>

Upon the foregoing papers this

motion by Order to Show Cause on behalf of Debrah

Keys, individually and as named executor and prospective preliminary executor of the Estate of Essie Mae Keys to vacate and set aside the judgment of foreclosure and sale for lack of jurisdiction of Essie Mae Keys or her personal representative is denied on grounds of *res judicata* as said issue was addressed and decided in the decision of Justice Alan J. Saks on June 4, 2002 and entered on June 6, 2002. Movant's appeal of that decision and Order was dismissed by the Appellate Division, First Department on December 24, 2002.

This is the third time this court is aware of that the grounds raised here have been before the court and decided. The only reason to do this again, it seems to the court, is to create a new window for an appeal.

This is the decision and Order of the court.

Dated: *12/10/04*

Hon. *Betty Owen Stinson*
J.S.C.

Motion is Respectfully Referred to:

Justice:

Dated:

EXHIBIT "P"



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
Countrywide Home Loans, Inc.,

Plaintiff,

- against -

INDEX NO. 00/15633

Debrah Keys; Winston Mason; Mary Keys; Arthur Keys; Jiles Keys; Mary Keys, if living, and if they be dead, any and all persons who are spouses, widows, grantees, mortgagees, lienors, heirs, devisees, distributees or successors in interest of such of them as may be dead, all of whom and whose names and places of residence are unknown to Plaintiff; Any Unknown heirs of the Estate of Essie Keys, if living, and if they be dead, any and all persons who are spouses, widows, grantees, mortgagees, lienors, heirs, devisees, distributees or successors in interest of such of them as may be dead, all of whom and whose names and places of residence are unknown to Plaintiff; City of New York Transit Authority, Transit Adjudication Bureau; City of New York Department of Transportation Parking Violations Bureau; City of New York Environmental Control Board; Criminal Court Bronx County; State of New York,

Defendant(s).

-----X

NOTICE OF APPEAL

PLEASE TAKE NOTICE, that **DEBRAH KEYS**, the above-named defendant, individually, and as representative of the Estate of Essie Mae Keys, hereby appeals to the Appellate Division, First Department, from the Order of the Honorable Betty Owen Stinson, JSC, entered in the above entitled action in the Office of the Clerk of Bronx County on December 15, 2004 (the "Order") and served on said DEBRAH KEYS on or about January 5, 2005, which denied, on grounds of *res judicata*, DEBRAH KEYS' motion by Order to Show Cause to vacate and set aside for lack of jurisdiction of Essie Mae Keys or her personal representative, the order of Judgment of Foreclosure and Sale, entered herein on August 1, 2003, covering the Premises known as 4164 Wickham Avenue, Bronx New York (the "mortgaged premises"), and from each and every part and the whole thereof..

Dated: New York, New York
January 10, 2005

2005 JUN 10 10:00
CLERK OF COURT
COUNTY OF BRONX

FILED

EXHIBIT “Q”



Tom, J.P., Friedman, Nardelli, Williams, Sweeny, JJ.

8027N Countrywide Home Loans, Inc.,
Plaintiff-Respondent,

Index 15633/00

-against-

Debrah Keys, etc., et al.,
Defendants-Appellants,

Winston Mason, et al.,
Defendants.

Law Offices of Barbara H. Katsos, P.C., New York (Barbara H. Katsos of counsel), for appellants.

Shapiro & Dicaro, LLP, Rochester (Robert S. Leni of counsel), for respondent.

Order, Supreme Court, Bronx County (Betty Owen Stinson, J.), entered December 15, 2004, which denied defendants-appellants' motion to vacate the judgment of foreclosure and sale covering premises known as 4164 Wickham Avenue, Bronx, New York, unanimously affirmed, without costs.

Appellant Debrah Keys in her individual and representative capacities seeks to vacate the subject judgment of foreclosure, contending that plaintiff's predecessor, the mortgagee, never properly served her in her capacity as a distributee of the mortgagor's estate and never obtained jurisdiction over the estate, which, she urges, was a necessary party to the

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MAR 21 2006

BRONX COUNTY CLERK'S OFFICE

foreclosure action. These very issues were, however, previously raised by appellant and decided against her in an order from which she took no timely appeal. We would note, in any case, that joinder of the mortgagor's estate was unnecessary. The action sought no deficiency judgment as against the estate; it was one simply to foreclose subordinate interests in the affected property and as such was governed by RPAPL 1311(1), which does not require an estate's joinder (see *Winter v Kram*, 3 AD2d 175, 177 [1957]).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: MARCH 7, 2006

Catherine O'Hagan Wolfe
CLERK

EXHIBIT “R”

1 of 2 DOCUMENTS

**Countrywide Home Loans, Inc., Resondent, v. Debrah Keys, &c., et al., Appellants,
Winston Mason, et al, Defendants.**

Mo. No. 455

COURT OF APPEALS OF NEW YORK

7 N.Y.3d 702; 850 N.E.2d 1167; 818 N.Y.S.2d 192; 2006 N.Y. LEXIS 1448

June 8, 2006, Decided

NOTICE: [*1] DECISION WITHOUT PUBLISHED
OPINION

OPINION

PRIOR HISTORY: *Countrywide Home Loans, Inc. v. Keys*, 27 A.D.3d 247, 811 N.Y.S.2d 362, 2006 N.Y. App. Div. LEXIS 2498 (N.Y. App. Div. 1st Dep't, 2006)

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

EXHIBIT “S”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No. 00/15633

Countrywide Home Loans, Inc.,

Plaintiff,

- against -

**REFEREE'S
REPORT OF SALE**

Deborah Keys; Winston Mason; Mary Keys; Arthur Keys;
Jiles Keys; Mary Keys, if living, and if they be dead,
anyand all persons who are spouses, widows, grantees,
mortgagees, lienors, heirs, devisees, distributees or
successors in interest of such of them as may be dead, all of
whom and whose names and places of residence are
unknown to Plaintiff; Any Unknown heirs of the Estate of
Essie Keys, if living, and if they be dead, anyand all persons
who are spouses, widows, grantees, mortgagees, lienors,
heirs, devisees, distributees or successors in interest of such
of them as may be dead, all of whom and whose names and
places of residence are unknown to Plaintiff; City of New
York Transit Authority, Transit Adjudication Bureau; City
of New York Department of Transportation
Parking Violations Bureau; City of New
York Environmental Control Board; Criminal Court Bronx
County; State of New York

Defendant(s).

FILED

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BRONX COUNTY CLERK'S OFFICE

TO THE SUPREME COURT, BRONX COUNTY:

I, David Lesch, Esq., the Referee appointed by the judgment of foreclosure and sale of this Court, made and entered in the above captioned action on August 1, 2003, to make the sale of the premises therein described, **DO RESPECTFULLY REPORT** as follows:

1. I caused due notice of the sale of said premises in one parcel at public auction on September 13, 2004, to be given and published according to law and the rules and practice of this court, as fully appears by the affidavits annexed hereto.

2. At the time and place for which the sale was noticed as aforesaid, I attended in person, and, in accordance with such notice, offered the premises for sale to the highest bidder. I sold the same to Churchill Homes, LLC for the sum of \$216,000.00 that being the highest sum bid therefore and received a deposit in the amount of \$22,000.00.

3. I have received the balance of the purchase price from the purchaser and paid the following:

a) To Shapiro & DiCaro, LLP pursuant to the Judgment:

Advertising expenses	\$6,762.52
Costs pursuant to Judgment	8,159.94
Additional allowance	300.00

b) To Plaintiff pursuant to the Judgment:

Taxes, insurance, etc. advanced since Report	\$13,064.42
Payment towards amount due on bond/note and mortgage	\$68,015.09

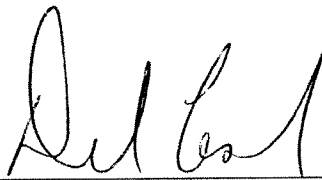
c) To me as Referee \$1,000.00

4. Pursuant to said judgment of foreclosure and sale, I have made, executed and delivered to Churchill Homes, LLC, a good and sufficient deed of conveyance of said mortgaged lands and premises sold.

5. That annexed hereto and made a part of this, my report, is a statement showing the several items aforesaid and the mode of computation, and that the amount of the surplus in the sum of \$~~90,078.17~~.

This report is respectfully submitted.

Dated: 10/12, 2006



David Lesch, Esq.
Referee

REFEREE'S DEED

7660713

NY 5
\$864.00

THIS DEED, made the 19 day of October, 2006, between David Lesch, Esq., 860 Grand Concourse, Bronx, NY 10451, the Referee duly appointed in the action hereinafter mentioned ("Grantor"), and Churchill Homes, LLC, 4227 White Plains Road, Bronx, NY 10466, ("Grantee").

WITNESSETH, that Grantor, the Referee appointed in an action by Countrywide Home Loans, Inc., as Plaintiff, against Winston Mason, Estate of Essie Mae Keys and Mary Keys, as Defendant(s), foreclosing a Mortgage recorded on October 28, 1982, in the office of the Clerk of the County of Bronx in Reel 487 at Page 155, pursuant to a judgment of foreclosure and sale entered by the Supreme Court of the State of New York, Bronx County, on August 1, 2003, and in consideration of Two Hundred Sixteen Thousand and 00/100 (\$216,000.00) Dollars paid by the Grantee, being the highest sum bid at the sale under said judgment, does hereby grant and convey unto Grantee and the heirs, executors, administrators, successors and assigns of Grantee forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in City of New York, the County of Bronx, and the State of New York, being more particularly described in Schedule A attached hereto and made a part hereof.

Property Address: * 4164 Wickham Avenue, Bronx, NY 10469
Tax Account No.: SECTION: 17, BLOCK: 5009 AND LOT: 76
Tax Billing Address:

TOGETHER with the appurtenances and all the estate and rights of grantor in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto Grantee and the heirs, executors, administrators, successors and assigns of Grantee forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF Grantor has duly executed this deed on the date first above written.

[Signature]
David Lesch, Esq., Referee

B3
5009
4
76

STATE OF NEW YORK)
COUNTY OF Bronx)ss.:

On the 19 day of October in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared David Lesch, Esq., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed same in his/her capacity, and that by his/her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

[Signature: Solomon Lesch]
Notary Public

Record and return to:

Churchill Homes LLC
4227 White Plains Rd
Bronx NY 10466

~~SOLOMON I. LESCH~~
~~Notary Public, State of New York~~
~~County of Bronx~~
~~Commission Expires Sept. 30, 2007~~

SOLOMON I. LESCH
Notary Public, State of New York
Qualified in Bronx County
No. 02LE-748800
Commission Expires Sept. 30, 2007

&G LAND ABSTRACT, LLC

TELEPHONE (888) 635-0200

SEAL :

C & G LAND ABSTRACT, LLC.

Title No. CG-76607B

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of the Bronx, City and State of New York, being more particularly bounded and described as follows:

BEGINNING AT A point on the easterly side of Wickham Avenue, distant 108.89 feet southerly from the corner formed by the intersection of the easterly side of Wickham Avenue with the southerly side of Bussing Avenue;

RUNNING THENCE Easterly at right angles to Wickham Avenue, 95 feet;

THENCE Southerly parallel with Wickham Avenue, 25 feet;

THENCE Westerly again at right angles to Wickham Avenue, 95 feet to the easterly side of Wickham Avenue

THENCE Northerly along the easterly side of Wickham Avenue, 25 feet to the point or place of BEGINNING.

PREMISES KNOWN AS: Section: 17 Block: 5009 Lot: 76

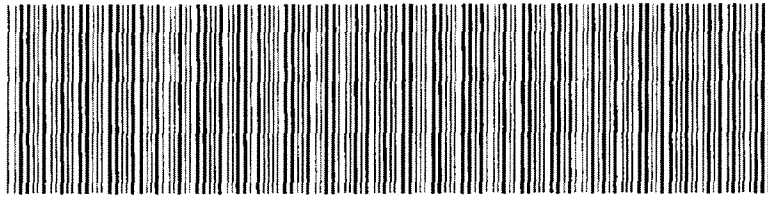
FOR
CONVEYANCING
ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

insured

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2006102502120001001S06A9

SUPPORTING DOCUMENT COVER PAGE

PAGE 1 OF 1

Document ID: 2006102502120001

Document Date: 10-19-2006

Preparation Date: 10-25-2006

Document Type: DEED

ASSOCIATED TAX FORM ID: 2006080800632

SUPPORTING DOCUMENTS SUBMITTED:

Page Count

RP - 5217 REAL PROPERTY TRANSFER REPORT
SMOKE DETECTOR AFFIDAVIT

2
1

FOR CITY USE ONLY

C1. County Code C2. Date Deed Recorded / /
 C3. Book OR C4. Page
 C5. CRFN



REAL PROPERTY TRANSFER REPORT

STATE OF NEW YORK
STATE BOARD OF REAL PROPERTY SERVICES

RP - 5217NYC

(Rev 11/2002)

PROPERTY INFORMATION

1. Property Location 4164 WICKHAM AVENUE BRONX 10466
 STREET NUMBER STREET NAME BOROUGH ZIP CODE

2. Buyer Name CHURCHILL HOMES, LLC
 LAST NAME / COMPANY FIRST NAME

3. Tax Billing Address CHURCHILL HOMES, LLC
 106-10 ROCKAWAY BOULEVARD OZONE PARK NY 11416
 STREET NUMBER AND STREET NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed # of Parcels OR ☐ Part of a Parcel

5. Deed Property Size 25 X 95 OR ACRES

6. Seller Name LESCH DAVID
 LAST NAME / COMPANY FIRST NAME

9. Check the box below which most accurately describes the use of the property at the time of sale:

- A ☒ One Family Residential C ☐ Residential Vacant Land E ☐ Commercial G ☐ Entertainment / Amusement I ☐ Industrial
 B ☐ 2 or 3 Family Residential D ☐ Non-Residential Vacant Land F ☐ Apartment H ☐ Community Service J ☐ Public Service

SALE INFORMATION

10. Sale Contract Date 9 / 13 / 2004
 Month Day Year

11. Date of Sale / Transfer 10 / 19 / 2006
 Month Day Year

12. Full Sale Price \$ 2 1 6 0 0 0
 (Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

13. Indicate the value of personal property included in the sale

14. Check one or more of these conditions as applicable to transfer:

- A ☐ Sale Between Relatives or Former Relatives
 B ☐ Sale Between Related Companies or Partners in Business
 C ☐ One of the Buyers is also a Seller
 D ☐ Buyer or Seller is Government Agency or Lending Institution
 E ☐ Deed Type not Warranty or Bargain and Sale (Specify Below)
 F ☐ Sale of Fractional or Less than Fee Interest (Specify Below)
 G ☐ Significant Change in Property Between Taxable Status and Sale Dates
 H ☐ Sale of Business is Included in Sale Price
 I ☐ Other Unusual Factors Affecting Sale Price (Specify Below)
 J ☒ None

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

15. Building Class A, I 16. Total Assessed Value (of all parcels in transfer) 1 5 6 6 7
 17. Borough, Block and Lot / Roll Identifier(s) (If more than three, attach sheet with additional identifier(s))
 BRONX 5009 76

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER
 BUYER SIGNATURE DATE
 4227 WHITE PLAINS
 STREET NUMBER STREET NAME (AFTER SALE)
 BRONX
 CITY OR TOWN STATE NY ZIP CODE 10466

BUYER'S ATTORNEY
 LAST NAME FIRST NAME
 516 536-7444
 AREA CODE TELEPHONE NUMBER
 SELLER
 SELLER SIGNATURE DATE

2006080800632201

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

BUYER		BUYER'S ATTORNEY	
BUYER SIGNATURE <i>By Neal Sultzer</i>	DATE <i>10/19/06</i>	LAST NAME <i>Sultzer</i>	FIRST NAME <i>Neal</i>
STREET NUMBER <i>4227</i>	STREET NAME (AFTER SALE) <i>White Plains Road</i>	AREA CODE <i>516</i>	TELEPHONE NUMBER <i>536-7444</i>
CITY OR TOWN <i>Bronx</i>	STATE <i>NY</i>	ZIP CODE <i>10466</i>	SELLER <i>David Lesch, Esq.</i>
		SELLER SIGNATURE <i>David Lesch, Esq.</i>	DATE <i>10-19-06</i>

Refer

2006080800632201

Affidavit of Compliance with Smoke Detector Requirement for One and Two Family Dwellings

**AFFIDAVIT OF COMPLIANCE
WITH SMOKE DETECTOR REQUIREMENT
FOR ONE- AND TWO-FAMILY DWELLINGS**

State of New York)
) SS.:
County of BRONX

The undersigned, being duly sworn, depose and say under penalty of perjury that they are the grantor and grantee of the real property or of the cooperative shares in a cooperative corporation owning real property located at

4164 WICKHAM AVENUE

Street Address		Unit/Apt.	
BRONX	New York,	5009	76
Borough		Block	Lot
		(the "Premises");	

That the Premises is a one or two family dwelling, or a cooperative apartment or condominium unit in a one- or two-family dwelling, and that installed in the Premises is an approved and operational smoke detecting device in compliance with the provisions of Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York concerning smoke detecting devices;

That they make affidavit in compliance with New York City Administrative Code Section 11-2105 (g). (The signatures of at least one grantor and one grantee are required, and must be notarized).

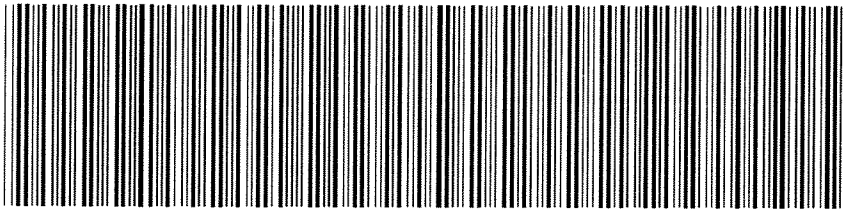
<p>Name of Grantor (Type or Print)</p> <p><u>Museel</u></p> <p>Signature of Grantor</p>	<p><u>Chuechill Homes, LLC</u></p> <p>Name of Grantee (Type or Print)</p> <p><u>Eric Fessler pres.</u></p> <p>Signature of Grantee</p>
<p>Sworn to before me</p> <p>this _____ date of _____ 19 _____</p>	<p>Sworn to before me</p> <p>this _____ date of <u>October 2004</u></p>

These statements are made with the knowledge that a willfully false representation is unlawful and is punishable as a crime of perjury under Article 210 of the Penal Law.

NEW YORK CITY REAL PROPERTY TRANSFER TAX RETURNS FILED ON OR AFTER FEBRUARY 6th, 1990, WITH RESPECT TO THE CONVEYANCE OF A ONE- OR TWO-FAMILY DWELLING, OR A COOPERATIVE APARTMENT OR A CONDOMINIUM UNIT IN A ONE- OR TWO-FAMILY DWELLING, WILL NOT BE ACCEPTED FOR FILING UNLESS ACCOMPANIED BY THIS AFFIDAVIT.

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.


2006102502120001001EC828
RECORDING AND ENDORSEMENT COVER PAGE
PAGE 1 OF 3
Document ID: 2006102502120001
Document Date: 10-19-2006
Preparation Date: 10-25-2006
Document Type: DEED
Document Page Count: 2
PRESENTER:

C & G LAND ABSTRACT, LLC/PICK-UP RSR
FIDELITY NATIONAL TITLE INS. CO.
21 WALT WHITMAN ROAD
HUNTINGTON STATION, NY 11746
631-424-2300
76607B

RETURN TO:

CHURCHILL HOMES LLC
4227 WHITE PLAINS ROAD
BRONX, NY 10466

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BRONX	5009	76	Entire Lot	4164 WICKHAM AVENUE

Property Type: DWELLING ONLY - 1 FAMILY

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES
GRANTOR/SELLER:

DAVID LESCH ESQ
AS REFEREE, 860 GRAND CONCOURSE, SUITE 2M
BRONX, NY 10451

GRANTEE/BUYER:

CHURCHILL HOMES, LLC
4227 WHITE PLAINS
BRONX, NY 10466

FEES AND TAXES
Mortgage

Mortgage Amount: \$ 0.00

Taxable Mortgage Amount: \$ 0.00

Exemption:

TAXES: County (Basic): \$ 0.00

City (Additional): \$ 0.00

Spec (Additional): \$ 0.00

TASF: \$ 0.00

MTA: \$ 0.00

NYCTA: \$ 0.00

Additional MRT: \$ 0.00

TOTAL: \$ 0.00

Recording Fee: \$ 47.00

Affidavit Fee: \$ 0.00

Filing Fee:

\$ 75.00

NYC Real Property Transfer Tax:

\$ 2,160.00

NYS Real Estate Transfer Tax:

\$ 864.00

**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 11-03-2006 13:11

City Register File No.(CRFN):

2006000617262



Annette McMill

City Register Official Signature